

REMARKS

In this Amendment and Response, claim 27 is amended, no claims are canceled, and no claims are added; as a result, claims 1-31 remain pending in this application. Applicant has reviewed the Office Action dated June 22, 2004 and provides the following detailed responses to the rejections:

Information Disclosure Statement

In the Office Action, Examiner Yang indicated the non-patent literature documents submitted with the Information Disclosure Statement, filed on February 18, 2002, would not be considered because copies of the those documents were not enclosed. Applicant believes that copies of those references were received by the Patent Office as evidenced by the returned postcard (copy enclosed). However, Applicant respectfully resubmits copies of the non-patent literature documents herewith and further requests that a copy of the 1449 Form, initialed as having been considered by the Examiner, be returned to Applicants' Representative with the next Official communication.

§112 Rejection of the Claims

Claim 9

Claim 9 was rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. The rejection asserts that the claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant respectfully traverses these grounds for rejection and respectfully submits that the specification does provide enablement for claim 9, as it was originally-filed. Applicant's specification has been amended to include a description of new FIG. 9. Applicant respectfully believes that these portions of the figures and specification, among others, enable a person of ordinary skill in the art to make and use the subject matter of claim 9. Withdrawal of this rejection is respectfully requested.

Claims 5-6

Claims 5 and 6 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses these grounds for rejection. Claims 5 and 6 recite, among other things, a transceiver “substantially compatible” with a specific recited communication standard. Applicant respectfully believes that “substantially compatible” includes embodiments which have all or some of the features of the recited standard. Therefore, Applicant respectfully asserts that claims 5 and 6 are definite because one of ordinary skill in the art would know what was meant by “substantially compatible.” MPEP § 2173.05(b)(D). Withdrawal of the rejection is respectfully requested.

§102 Rejection of the Claims

Claims 27 and 31 were rejected under 35 USC § 102(e) as being anticipated by Cohen (U.S. Patent No. 6,388,559).

Applicant amended claim 27 to better recite the present subject matter. Applicant respectfully traverses the rejection at least for the following reasons.

The Office Action stated that “it is understood that Cohen’s first position sensor is a contact switch and that Cohen’s transceiver is an RF transceiver that uses a short-range communication protocol.” Office Action, p. 5-6. It is respectfully submitted that the cited portions of Cohen fail to provide, among other things, establishing a wireless communication channel with a module coupled to the door, where establishing a wireless communication channel includes communicating in a protocol compatible with a long range communication protocol, as recited in claim 27. Therefore, the rejection of claim 27 is respectfully traversed.

Claim 31 depends directly on claim 27, and is believed to be allowable at least for the reasons provided with respect to claim 27.

Withdrawal of the rejection, and reconsideration and allowance of claims 27 and 31 are respectfully requested.

§103 Rejections of the Claims

Claims 1, 2, 4-6, 8, 10, 12-16, 18, 19 and 21-26 were rejected under 35 USC § 103(a) as being unpatentable over Cohen in view of Hollstrom et al. (U.S. Patent Application Publication No. 2001/0056502A1, "Hollstrom") and Pinzon (U.S. Patent No. 6,161,005). Detailed responses are as follows:

Claims 1, 2, 4-6, 8, 10, 12-14

Claims 1, 2, 4-6, 8, 10, 12-14 were rejected under 35 USC § 103(a) as being unpatentable over Cohen in view of Hollstrom and Pinzon.

Applicant respectfully traverses this rejection of claim 1. It is respectfully submitted that the cited portions of the references fail to provide or suggest, among other things, the radio frequency transceiver coupled to the processor and adapted for the transmitting the first position signal using a long range protocol and a short range protocol, and for receiving a wireless signal using the long range communication protocol and the short range communication protocol, the transceiver circuitry for spread spectrum frequency hopping and where the command is based on the wireless signal, as recited in claim 1.

Applicant is unable to find a suggestion in the cited portions of any of Cohen, Hollstrom or Pinzon a motivation or suggestion to combine the references in the manner described in the rejection. In addition, Applicant respectfully asserts that Hollstrom and Pinzon are not analogous art to Cohen. Applicant respectfully believes that Cohen relates to communication of a position of a garage door, that Hollstrom relates to operating household appliances using a mobile telephone, and that Pinzon relates to remote locking and unlocking of a door. Applicant respectfully asserts that these references would not have been considered an obvious combination by one of ordinary skill in the art at the time of the invention.

Dependent claims 2, 4-6, 8, 10, and 12-14 are believed to be patentable for at least the reasons provided for claim 1 above, and the traversal of the rejection of claim 1 is repeated herein to support the patentability of dependent claims 2, 4-6, 8, 10, and 12-14.

Applicant respectfully requests reconsideration and allowance of claims 1, 2, 4-6, 8, 10, and 12-14.

Claims 15-16, 18, 19 and 21-26

Claims 1-16, 18, 19, and 21-26 were rejected under 35 USC § 103(a) as being unpatentable over Cohen in view of Hollstrom and Pinzon.

Applicant also respectfully traverses the rejection of claim 15, as it is believed that the cited portions of the cited references as combined in the rejection fail to teach or suggest, among other things, a method including adapting the wireless transceiver to receive a first signal in a protocol compatible with a long range communication protocol and in a protocol compatible with a short range communication protocol, as recited by claim 15.

As stated above with respect to claim 1, Applicant respectfully asserts that the Cohen, Hollstrom and Pinzon are not analogous art and do not provide a suggestion to combine, and the traversal of the rejection of claim 1 is repeated herein to support the patentability of claim 15.

Claims 16, 18, 19 and 21-26 depend, either directly or indirectly, on claim 15 and are believed to be patentable for at least the reasons provided for claim 15 above.

Reconsideration and allowance of claims 15-16, 18, 19 and 21-26 are respectfully requested.

Claims 1-6, 8-10, 12, and 13

Claims 1-6, 8-10, 12, 13, 15-19 and 21-25 were rejected under 35 USC § 103(a) as being unpatentable over Cohen in view of Hollstrom and Fitzgibbon et al. (U.S. Patent Application Publication No. 2004/0036573A1, "Fitzgibbon").

Applicant respectfully traverses this rejection of claim 1. It is respectfully submitted that the cited portions of the cited references fail to provide or suggest, among other things, the radio frequency transceiver coupled to the processor and adapted for the transmitting the first position signal using a long range protocol and a short range protocol, and for receiving a wireless signal using the long range communication protocol and the short range communication protocol, the transceiver circuitry for spread spectrum frequency hopping and where the command is based on the wireless signal, as recited in claim 1.

Applicant is unable to find a suggestion in the cited portions of any of Cohen, Hollstrom or Fitzgibbon to combine the references in the manner described in the rejection. In addition, Applicant respectfully asserts that Hollstrom and Fitzgibbon are not analogous art to Cohen. Applicant respectfully believes that Cohen relates to communication of a position of a garage door, that Hollstrom relates to operating household appliances using a mobile telephone, and that Fitzgibbon relates to providing access to a secure region. Applicant respectfully asserts that these references would not have been considered an obvious combination by one of ordinary skill in the art at the time of the invention.

Dependent claims 2-6, 8-10, 12 and 13 are believed to be patentable for at least the reasons provided for claim 1 above, and the traversal of the rejection of claim 1 is repeated herein to support the patentability of dependent claims 2-6, 8-10, 12 and 13.

Applicant respectfully requests reconsideration and allowance of claims 1, 2-6, 8-10, 12 and 13.

Claims 15-19 and 21-25

Applicant also respectfully traverses the rejection of claim 15, as it is believed that the cited portions of the cited references as combined in the rejection fail to teach or suggest, among other things, a method including adapting the wireless transceiver to receive a first signal in a protocol compatible with a long range communication protocol and in a protocol compatible with a short range communication protocol, as recited by claim 15.

As stated above with respect to claim 1, Applicant respectfully asserts that the Cohen, Hollstrom and Fitzgibbon are not analogous art and do not provide a suggestion to combine, and the traversal of the rejection of claim 1 is repeated herein to support the patentability of claim 15.

Claims 16-19 and 21-25 depend, either directly or indirectly, on claim 15 and are believed to be patentable for at least the reasons provided for claim 15 above.

Reconsideration and allowance of claims 15-19 and 21-25 are respectfully requested.

Claims 7, 11 and 20

Claims 7, 11 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Cohen and Hollstrom in view of Pinzon or Fitzgibbon as applied to claims 1 and 15 above, and further in view of Moss (U.S. Patent No. 6,346,889).

Dependent claims 7 and 11 are believed to be patentable for at least the reasons provided for claim 1 above, and the traversal of the rejection of claim 1 is repeated herein to support the patentability of dependent claims 7 and 11.

Likewise, dependent claim 20 is believed to be patentable for at least the reasons provided for claim 15 above, and the traversal of the rejection of claim 15 is repeated herein to support the patentability of dependent claim 20.

Applicant respectfully requests reconsideration and allowance of claims 7, 11 and 20.

Claim 28

Claim 28 was rejected under 35 USC § 103(a) as being unpatentable over Cohen as applied to claim 27 above, and further in view of Pinzon.

Applicant also respectfully traverses the rejection of claim 28, repeating the traversal of independent claim 27 above, and respectfully submits that the deficiencies in Cohen discussed above are not overcome by combination with the cited portions of Pinzon. In addition, as previously stated, one of ordinary skill in the art would not be inclined to combine Pinzon, which relates to locking and unlocking a door, with Cohen, which relates to detecting a position of a garage door.

Reconsideration and allowance of claim 28 are respectfully requested.

Claims 28 and 29

Claims 28 and 29 were rejected under 35 USC § 103(a) as being unpatentable over Cohen as applied to claim 27 above, and further in view of Fitzgibbon.

Applicant also respectfully traverses the rejection of claims 28 and 29, repeating the traversal of independent claim 27 above, and respectfully submits that the deficiencies in Cohen discussed above are not overcome by combination with the cited portions of Fitzgibbon. In

addition, as previously stated, one of ordinary skill in the art would not be inclined to combine Fitzgibbon, which relates to providing access to a secure region, with Cohen, which relates to detecting a position of a garage door.

Reconsideration and allowance of claims 28 and 29 are respectfully requested.

Claim 30

Claim 30 was rejected under 35 USC § 103(a) as being unpatentable over Cohen as applied to claim 27 above, and further in view of Hollstrom.

Applicant also respectfully traverses the rejection of claim 30, repeating the traversal of independent claim 27 above, and respectfully submits that the deficiencies in Cohen discussed above are not overcome by combination with the cited portions of Hollstrom. In addition, as previously stated, one of ordinary skill in the art would not be inclined to combine Hollstrom, which relates to operating household appliances using a mobile telephone, with Cohen, which relates to detecting a position of a garage door.

Reconsideration and allowance of claim 30 are respectfully requested.

Timely Traversal of Assertions of Things Known to One of Skill in the Art

Applicant generally traverses the numerous assertions of things "known to one of skill in the art" as a form of Official Notice and requests a reference to support such assertions pursuant to MPEP 2144.03, or their withdrawal in the next official communication.

Reservation of the Right to Swear Behind References

Applicant maintains its right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

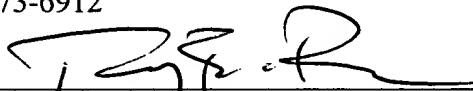
Respectfully submitted,

RAYMOND J. MENARD

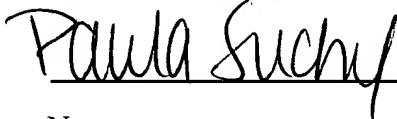
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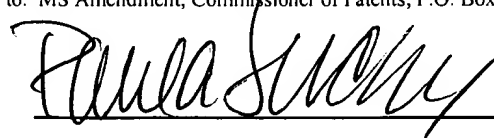
Date Oct. 22, 2004

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of October, 2004.



Name



Signature